FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1944 OF 2006

in

MISCELLANEOUS APPEAL NO.218 OF 2001

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Suresh Gole i/b. Mr. I. S. Yadav for Petitioner.

Mr.A.N.Samant, for Respondents.

CORAM: D.K.DESHMUKH

DATED: 9th July,2007.

P.C.:-

Rule returnable forthwith. Heard finally by

consent of parties.

It is evident from the order impugned that the contention was raised that the order of eviction made against the petitioner is contrary to the guidelines issued by the Central Government. In the impugned order that contention has been reproduced and referred to. Even the reply given by the respondent was also referred to. But the appellate authority has omitted to consider that contention. When this was pointed out to the learned Counsel appearing for respondent, he submitted

that as this contention has not been considered, the matter should be remanded back to the appellate authority.

Accepting the submission made on behalf of the respondent, the order impugned in the petition is set aside. The appeal is remitted back to the Appellate authority for de-novo consideration and hearing and decision in accordance with law. It is clarified that in case the Appellate authority finds that any investigation into facts is necessary, the appellate authority is free to remit back the matter to

the original authority.

At the request of the respondent, the Appellate authority is requested to dispose of the appeal as expeditiously as possible.

Petition disposed of.

(D.K.DESHMUKH, J.)